Jeopardy Assessment

for the Proposed Incidental Taking Authorization
of the Butler's Garter Snake

Honeyager, Farrell and Kasian Subdivision
New Berlin, Waukesha County, Wisconsin

Background

The state-threatened Butler's garter snake is the smallest of the five Wisconsin garter snake species. Both sexes of this species reach maturity during their second full year and females deliver 4-19 live-born young in mid to late summer. This species requires a moderately open to open canopy habitat, preferably with both upland and wetland habitat. Butler's naturally hibernate in open-canopy wetlands (sedge meadows, fringes of cattail marshes, etc.) but are also known to occupy sites that provide other means for successful overwintering (i.e. old landfills where conditions provide access below the frostline and where adequate moisture exists).

The Butler's garter snake is a colonial species that is restricted to several southeastern counties in Wisconsin. There are currently 30 locations where this species has been documented from 1973 to present. Twenty-five of these records have been documented since 1990. Most sites that have been moderately to heavily surveyed for Butler's show a healthy age-class structure, indicating that regular recruitment is occurring on those sites. Surveys and monitoring since its listing in 1997 reveal that Butler's often occur in very large numbers on relatively small sites (i.e. 400+ snakes detected on a 20-acre site with less than 50% suitable [open canopy] habitat). Three intensive survey/monitoring efforts associated with mitigation for incidental take to date have involved large numbers of Butler's garter snakes (over 1200 Butler's on three isolated sites along Lincoln Creek within the City of Milwaukee). Surveys have also demonstrated that Butler's can occur, sometimes in high numbers, on highly disturbed and degraded sites. One example is the location of 62 Butler's during one survey of a brownfield site in the industrial heart of Milwaukee. Most of the snakes were found under pieces of broken concrete in a large, abandoned, gravel parking lot that was adjacent to a small wetland.

In Summary, the Butler's garter snake is a fast-maturing species with potentially high annual recruitment. It can sustain populations on highly disturbed sites if the disturbance factors are eliminated and suitable wetlands are present on or adjacent to these sites. Since 1997, most sites where Butler's were suspected to occur, based on proximity to known range and habitat and which were subsequently surveyed, verified their presence.

Jeopardy Assessment

The proposed Honeyager, Farrell and Kasian condominium project is anticipated to result in the minor incidental taking of Butler's gartersnakes and destruction of their habitats. In order to minimize take, a conservation plan is required to time activities to minimize take of the snake in uplands and wetlands and re-establish previously lost habitat connectivity with another adjacent and occupied Butler's gartersnake habitat patch to the west of the proposed project site. This trade-off will benefit the snake in the long run by allowing for genetic exchange of these now isolated populations. In addition, the acreage lost in the sub-division will be more than compensated by restoring suitable habitat in the corridor between the two habitat patches. The department has determined that the proposed project is not likely to jeopardize the continued existence or recovery of the state population of these snakes or the whole plant-animal community of which they are a part. The conditions below are required of the three property owners in order for this authorization to remain in force.

Conditions of the authorization based on the Conservation Plan commits Bill Honeyager, John Farrell, and Kasco of Wisconsin, LLP to the following conditions:

1. All wetlands on the Honeyager/Farrell site will be completely surrounded with trenched-in sediment fencing. The fencing will be installed this fall and must be regularly maintained as sediment fencing to avoid wetland impacts from the surrounding construction activities. In addition, the fencing must be maintained as snake fencing after March 15, 2005 (prior to snake emergence in spring) until November 1, 2005 and in subsequent years during this same time period until construction has been completed.
2. The snake fencing is to be inspected on at least two non-consecutive days per week beginning on March 16, 2005. The sediment fencing must be inspected and repaired according to Department regulations. All fencing failures (tears, unstapled fencing material, flattened fence sections) are to be repaired within 24 hours of each inspection.
3. Create, protect, enhance and maintain upland habitats on all properties in accordance with the approved Conservation Plan through:
    A. Planting native species around the perimeter of the detention basins
    B. Thin the tree canopy and maintaining tree densities in order to achieve a 0% to 70% canopy closure along the western side of the property now owned by Farrell along the drainage ravine
    C. Install an underpass beneath the access road that allows for snake passage along the drainage ravine on the property now owned by Farrell. The department has approved a design plan for the underpass
    D. Restore suitable snake habitat between the property now owned by Farrell and the golf course rough that borders the western edge of the Deer Creek Golf Course. Restoration will be accomplished along this corridor by maintaining a minimum grass height of 12 inches along both sides of a small east-west drainage ditch. Reduce the density of the box elder patch along this
    E. Restore habitat along the rough area of the Deer Creek Golf Course by maintaining the designated portion of this rough at a minimum grass height of 12 inches.
    F. Monitor all habitats annually for five years and conduct management as needed to reduce the impacts of exotic species and to evaluate the suitability of the restored and enhanced snake habitats.
    G. Manage and maintain all designated snake habitats in perpetuity.
    H. Set aside all snake habitats through deed restrictions, covenants and/or conservation easements in order to insure that it will be maintained in perpetuity.